

ORIGINAL

Decision No. 4807

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
 Fowler Independent Telephone Company
 for extension of time to comply with
 rule to standardize lines. }

Application No. 3260.

J. S. Manley and J. H. Weinberg, for Fowler Independent
 Telephone Company.

ORDER OF THE COMMISSION

GORDON, Commissioner.

This is a petition for an order extending the time for compliance with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, referring to the construction, reconstruction, maintenance and use of electric poles, wires, cables and appliances.

A public hearing in this proceeding was held in Fowler on October 22, 1917.

For a statement of the law governing principles guiding the Railroad Commission in its decision therein, reference is hereby made to the decision rendered in Application No. 2222, Los Angeles Gas and Electric Corporation, et al.

Petitioner owns and operates a telephone system in the city of Fowler, Fresno County, and in unincorporated territory covering an irregular area extending three to seven miles from Fowler.

Mr. J. H. Weinberg, petitioner's secretary, testified that the present management had no knowledge of the number of violations of the statute which existed on the effective date of Chapter 499, Laws of 1911. All construction and reconstruction since that time

has been in accordance with the statute. No special effort has been made to reconstruct petitioner's system for the sole purpose of complying with the statute.

An estimate was filed by petitioner with the petition, showing an expenditure of \$1379.00 to reconstruct its property in accordance with the statute. In the petition herein, petitioner alleges that, owing to its financial condition, an extension of three years to September 17, 1920, will be necessary for the completion of this work. The infractions which remain to be corrected consist principally of the following:

- Horizontal separation at poles.
- Insulating guys.
- Insulation of vertical runs on poles.

The first item constitutes seventy-five per cent. of the work.

The Commission's engineers have carefully examined petitioner's estimate and have made an inspection on the ground for the purpose of determining whether the amount reasonably represents the cost of the necessary reconstruction. The Commission's estimate is approximately \$380.00 less than that filed by petitioner, due principally to the segregation of pole costs.

According to the testimony, petitioner was able recently to purchase a large number of poles at a price considerably below the market value, thus resulting in a saving of about \$200.00 on this work.

In reference to petitioner's financial condition, testimony was given that practically the entire indebtedness against petitioner has now been liquidated. This fact, coupled with the reduction in the estimate hereinabove referred to, will enable petitioner, according to the testimony, to remove all violations of these statutes within six months.

No unusual hazard exists on petitioner's system. After careful consideration of all the factors entering into the problem, we have reached the conclusion that an extension of time until February 22, 1918, should be granted to petitioner.

We submit the following form of order.

ORDER

Fowler Independent Telephone Company having applied for an order extending the time within which to comply with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, and a public hearing having been held,

IT IS HEREBY ORDERED as follows:

The time within which petitioner herein shall reconstruct its existing system so as to comply completely with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, is hereby extended to and including February 22, 1918.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 31st
day of October, 1917.

Max Thelin
W. S. Loveland
W. H. Gordon

Commissioners.